

JUL 24 2002

PATENT

Pat No. 280502000200

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to the Office of Petitions at (703) 308-6916 at the United States Patent and Trademark Office in Washington, D.C. on July 24, 2002.

Rebekah Werth

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaim M. ROIFMAN, et al.

Serial No.: 09/936,887

Filing Date: September 11, 2001

For: METHODS AND COMPOSITIONS FOR  
TREATING LEUKEMIA

Examiner: To be assigned

Group Art Unit: To be assigned

FAX RECEIVED

JUL 24 2002

PETITIONS OFFICE

PETITION UNDER 37 C.F.R. § 1.181(a) TO WITHDRAW HOLDING OF  
ABANDONMENT

Office of Petitions  
Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This communication is in response to the Notice of Abandonment issued on June 3, 2002 in connection with the above-identified application. It is respectfully requested that the Notice of Abandonment be withdrawn.

In contrast to the asserted reason for the present Notice of Abandonment, a response to the November 1, 2001 Notice of Missing Requirements was timely filed on April 30, 2002. A petition for extending the response time from January 1, 2002 to May 1, 2002 accompanied this response. Further, the appropriate fee for this response was deducted from Deposit Account No. 03-1952 on May 16, 2002 by the USPTO. This deposit account is the same deposit account to which the USPTO was provided permission to withdraw the extension fee in connection with Applicants' April 30, 2002 response to the November 1, 2001 Notice of Missing Requirements.

Attached herewith is a copy of Deposit Account No. 03-1952 statement indicating that the appropriate fee was deducted on May 16, 2002 (please see the entry therein marked with an asterisk). As the Office will duly note, each fee deducted (or refunded) from (or to) this account is accompanied by "identifiers" such as the attorney docket number and application number. The presently described fee deduction indicates that Applicants' April 30, 2002 submission must have been received by the Office on or before May 16, 2002. In the presence of these circumstances it is not understood why the USPTO would withdraw the appropriate extension fee amount for a matching application number and attorney docket number from Deposit Account No. 03-1952 unless it had received the related documents.

Also attached herewith is a copy of Applicant's April 30, 2002 submission including:

- 1) Transmittal Letter (2 pages);
- 2) Petition for Extension of Time (1 page);
- 3) Declaration for Utility Patent Application (4 pages); and
- 4) Copy of Notification of Missing Requirements (2 pages).

It is respectfully requested that examination of the above-identified application be resumed, the April 30, 2002 response to be considered and made of record in the above-identified application, and the abandonment be withdrawn.

Based on the foregoing, the Applicants respectfully submit that the present application should be accorded a 35 U.S.C. § 102(e) date of April 30, 2002. The present international application was filed in the U.S. under 35 U.S.C. § 371 on September 11, 2001. As of the April 30, 2002 submission described above, the Applicants had fulfilled the requirements of 35 U.S.C. § 371(c). Therefore, since it appears that the Office had indeed received the April 30, 2002 submission, and such submission complied with the requirements of 35 U.S.C. § 371(c), the present application should be accorded this date for purposes of 35 U.S.C. § 102(e).

In addition, on a separate note, the present Notice of Abandonment was mailed on June 3, 2002 to an address and attorney not of record in the present application (See attached copy of memo forwarding the present Notice of Abandonment from Lackenbach Siegel Marzullo & Aronson, P.C.). The Applicants assume that this misdirected mailing is a mistake, as the correct attorney of record and address are indicated on the face of the Notice of Abandonment. Nevertheless, Applicants respectfully request that the Office verify that the undersigned remains

listed as the attorney of record in order to ensure timely receipt of future correspondence for this application.

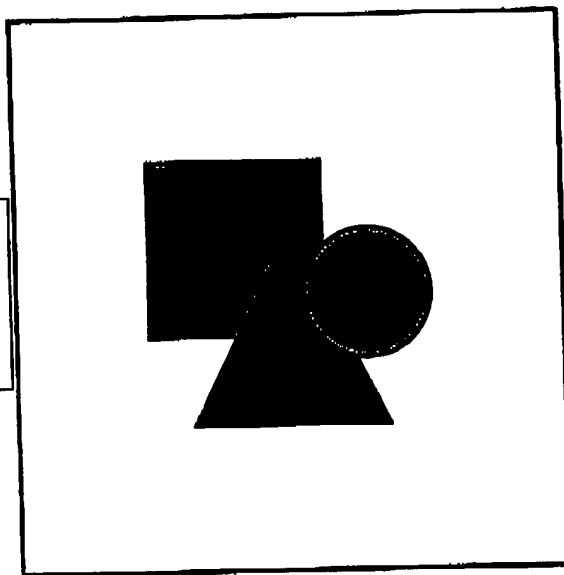
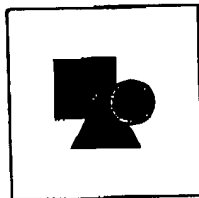
In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 280502000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: July 24, 2002

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### Deposit Account Statement

Requested Statement Month:  
 Deposit Account Number:  
 Name:  
 Attention:  
 Address:  
 City:  
 State:  
 Zip:

May 2002  
 031952  
 MORRISON & FOERSTER LLP  
 ATTN: BOBBIE ZIMMERMAN  
 755 PAGE MILL ROAD  
 PALO ALTO  
 CA  
 94304-1018

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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